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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,573	02/09/2004	Tsutomu Kojima	P21-164404M/ISI	3561
21254	7590	07/31/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			KENNEDY, JOSHUA T	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,573	<b>Applicant(s)</b> KOJIMA ET AL.	
	<b>Examiner</b> Joshua T. Kennedy	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9 and 12-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Claims 1-5, 8, 9, and 12-24 have been examined

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 13, 17,18, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether or not applicant is positively claiming the "second panel member". In particular, the preamble sets forth the first and second panel members as part of the intended use recitation and claims 12, 13, 17,18, and 20 continue to express these elements in a non-positive manner. Further, it is not clear how the recitation of elements that are otherwise not a part of the apparatus being claimed serve to structurally define said apparatus and patentably distinguish said apparatus from the prior art. For purposes of examination, claims 12, 13, 17,18, and 20 will continue to be interpreted as being drawn solely to an element such as shown in Fig 2a. Any other element desired to be considered in the patentability determination of the claims must be positively included therein.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Lines 10 and 11 of the claim refer to the engaging pawl being

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“parallel the inner wall face of the u-character shape of the second fitting portion”, since there are three “inner wall face(s)” in any given U-character shape, it is unclear as to which inner wall face is “**the** inner wall face” (emphasis added by Examiner). For example, if the engaging pawl extends/protrudes perpendicularly from an inner wall face (as it does in this case), how is the entire pawl parallel to the inner wall face also? In addition, claim 23 refers to a first and second fitting portion each having an engaging pawl, which one is the Applicant claiming to be “parallel”?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 9, and 12-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bakker et al (U.S. Patent No. 6,234,835).

As to Claim 1. Bakker et al disclose a securing clip capable of securing a first panel member with a second panel member, comprising:

a first fitting portion (18) having a U-character shape; and

a second fitting portion having a U-character shape (22), wherein:

the securing clip being like an S-character in cross section (Fig. 4); and

each of the first fitting portion and the second fitting portion comprising an engaging pawl (23 and 34, respectively) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5).

wherein a portion of said U-character shape second fitting portion (22), which is common to a portion of said U-character shape first fitting portion forming a middle of said S-character (12), comprises a second engaging pawl (Fig 3; Examiner considers the two portions extending downwardly from portion 26 to comprise a second engaging pawl) opposing said first engaging pawl (Fig 4).

As to Claim 2. Bakker et al disclose the engagement wall (32) existing in bilateral symmetry (Fig. 5).

As to Claims 3 and 4. Bakker et al disclose an engagement face of the engagement wall (32) being inclined with respect to a central axis of the U-character shape of the second fitting portion (Fig. 5).

As to Claim 5. Bakker et al disclose a detachment grip portion (30).

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As to Claims 8 and 9. Bakker et al disclose a rib wall (Figs 1 and 4; Examiner considers the rib wall to be the indent formed on the leg 16) being protruded on an inner wall face of the second fitting portion.

As to Claims 12 and 13. Bakker et al disclose said engagement face of the engagement (32) wall being inclined such that said engagement wall is capable of being wedged into contact with the second panel member upon abutting a regulating wall of the second panel member (Col 3, Lines 9-11).

As to Claim 14. Bakker et al disclose a securing clip for securing a first panel having a hole to a second panel having a hole and a regulating wall, the securing clip comprising:

- a first U-shaped fitting (18) comprising a first engaging pawl (23) on an inner wall of the first U-shaped fitting capable of engaging a hole in the first panel (120); and

- a second U-shaped fitting (22) comprising:

- a second engaging pawl (34) on an inner wall of the second U-shaped fitting capable of engaging a hole in the second panel; and

- an engagement wall (32) comprising an engaging face at an end of the engagement wall that faces an opening in the close end of the U-shape of the second U-shaped fitting (Fig 5),

- wherein the first U-shaped fitting and the second U-shaped fitting form an S-shaped cross-section (Fig 4).

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a third engaging pawl on an inner wall of the second U-shaped fitting and opposing said second engaging pawl (Fig 3; Examiner considers the two portions extending downwardly from portion 26 to comprise a third engaging pawl).

As to Claim 15 and 16. Bakker et al disclose the engagement wall (32) comprising a pair of engagement faces symmetrically positioned around said second engaging pawl (Fig 3).

As to Claim 17. Bakker et al disclose the engagement face (32) being inclined with respect to an axis of a hole in said second panel (Fig. 3).

As to Claim 18. Bakker et al disclose a detachment grip portion (30) capable of detaching the securing clip from the second panel.

As to Claim 19. Bakker et al disclose a rib wall (Figs 1 and 4; Examiner considers the rib wall to be the indent formed on the leg 16) on an inner face.

As to Claim 20. Bakker et al disclose said engagement wall (32) being inclined such that contact with a regulating wall of the second panel being capable of resisting removal of said second panel from said second fitting (Col 3, Lines 9-11).

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As to Claim 21. Bakker et al disclose said second engaging pawl comprises a pair of second engaging pawls receiving said first engaging pawl between the pair of second engaging pawls (Fig 3).

As to Claim 22. Bakker et al disclose said third engaging pawl comprises a pair of third engaging pawls receiving said second engaging pawl between the pair of third engaging pawls (Fig 3).

As to Claim 23. Bakker et al disclose a securing clip for securing a first panel member with a second panel member, comprising:

- a first fitting portion (18) having a U-character shape; and

- a second fitting portion having a U-character shape (22), wherein:

- the securing clip being like an S-character in cross section (Fig. 4); and

- each of the first fitting portion and the second fitting portion comprising an engaging pawl (23 and 34, respectively) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5),

- wherein said engaging pawl is provided parallel to the inner wall face of the U-character shape of the second fitting portion (Fig 4; Examiner considers the top edge of pawl 23 to have a face parallel to portion 14).



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As to Claim 24. a securing clip for securing a first panel member with a second panel member, comprising:

a first fitting portion (18) having a U-character shape; and

a second fitting portion having a U-character shape (22), wherein:

the securing clip being like an S-character in cross section (Fig. 4); and

each of the first fitting portion and the second fitting portion comprising an engaging pawl (23 and 34, respectively) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5),

wherein said engagement face is positioned substantially in the center between an open end and the closed end of the U-character shape of the second fitting portion (Fig 5).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment, specifically the addition of the limitations "wherein a portion of said U-character shape second fitting portion, which is common to a portion of said U-character shape first fitting portion forming a middle of said S-character,

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comprises a second engaging pawl opposing said first engaging pawl" (Claim 1, Lines 10-12), "a third engaging pawl on an inner wall of the second U-shaped fitting and opposing said second engaging pawl" (Claim 14, Lines 12-13), and the addition of Claims 23 and 24 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is 571-272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JTK  
7/21/2006



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600